

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-25
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0034.SH - Peaceful Hill Subdivision - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 308 Ralph Ablanedo Drive and 8319 Peaceful Hill Lane (South Boggy Creek & Onion Creek Watersheds) from townhouse and condominium residence (SF-6) district zoning, warehouse-limited office (W/LO) district zoning, limited industrial services (LI) district zoning and development reserve (DR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To deny single-family residence-small lot (SF-4A) district zoning. Applicant: Southwest Strategies Group (John Rosato). Agent: Main Street Homes (Ken Blaker). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this zoning change request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0034.SH

Z.P.C. DATE: August 2, 2005
August 16, 2005

ADDRESS: 308 Ralph Ablanedo Drive and 8319 Peaceful Hill Lane

OWNER: Southwest Strategies Group
(John Rosato)

AGENT: Main Street Homes
(Ken Blaker)

ZONING FROM: SF-6; W/LO; LI; DR **TO:** SF-4A **AREA:** 23.4 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny single family residence small lot (SF-4A) district zoning.

However, if the requested zoning is recommended for this site, then the Staff recommends: 1) a Conditional Overlay limiting development to less than 2,000 vehicle trips per day and 2) a Restrictive Covenant to include all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated July 25, 2005 and provided as Attachment B.

ZONING & PLATTING COMMISSION RECOMMENDATION:

August 2, 2005: *POSTPONEMENT REQUEST TO 08/16/05 (APPLICANT)*
[J. GOHIL; C. HAMMOND – 2ND] (8-0) J. MARTINEZ – ABSENT

August 16, 2005: *APPROVED STAFF'S RECOMMENDATION TO DENY THE REQUEST FOR SF-4A DISTRICT ZONING.*
[J. DONISI; T. RABAGO – 2ND] (5-3) B. BAKER, M. HAWTHORNE, J. PINNELLI – NAY; K. JACKSON – ABSENT

ISSUES:

The Applicant would like to discuss the recommendation of the Zoning and Platting Commission. He has stated that he no longer proposing to take access to Peaceful Hill Lane.

A valid petition of 72.39% has been filed by the adjacent property owners in opposition to this rezoning request and follows the Neighborhood's letter. Petition information is located at the back of the Staff report.

This rezoning case has been approved to participate in the City's S.M.A.R.T. (Safe, Mixed-Income, Accessible, Reasonably-priced, Transit-Oriented) Housing expedited review program. Please refer to Attachment A.

DEPARTMENT COMMENTS:

The subject property is undeveloped and is zoned townhouse and condominium residence (SF-6), warehouse / limited office (W/LO) and limited industrial services (LI) by way of a 1986-87 case, and development reserve (DR) zoning. The property has frontage along Peaceful Hill Lane and Ralph Ablanado Drive, both of which are collector streets. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View) and Related Case Information on Page 3 for additional zoning history, including access restrictions to Peaceful Hill on this property.

The applicant proposes to rezone the property to the single family residence – small lot (SF-4A) district for the development of 130 single family residences and provide infill housing. The conceptual subdivision layout is illustrated in Exhibit B.

Except for the subject undeveloped property, the adjacent land uses on the north side of Ralph Ablanado Drive, between Peaceful Hill Lane and South Congress Avenue have an industrial character. These uses include a steel fabrication company, fiberglass supplier, vehicle impound facility, an industrial park, mechanical contractor and warehouses. Along the west side of Peaceful Hill Lane, there is a mixture of mobile homes, single family residences, undeveloped land and restricted (emergency only) access to Peaceful Hill Lane for the fire and police stations SF-2; DR; P). The south side of Ralph Ablanado consists of the Park Ridge subdivision, vehicle storage and auto salvage uses, an urban farm and towing services (SF-4A-CO; CS-CO; SF-2; GR-MU-CO).

The Staff is unable to recommend SF-4A district zoning, based on the following considerations: 1) It is adjacent to existing industrial uses and zoning (sharing common south, west and east property lines) and this land use pattern extends east to South Congress Avenue; 2) new residential development adjacent and in close proximity to industrial uses, operations and corresponding truck traffic creates a land use compatibility and does not promote an orderly relationship among land uses or the public health, safety and welfare; and 3) it would set an undesirable precedent for other properties in the neighborhood or within other areas of the City.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-6; W/LO; LI; DR	Undeveloped
<i>North</i>	SF-2; DR	Single family residences; Undeveloped
<i>South</i>	DR; LI; CS-CO; LI-CO; SF-4A-CO; CS-CO; SF-2; GR-MU-CO	Steel fabrication; Fiberglass supplier and office; Vehicle impound facility; Single family residences; Vehicle storage; Mobile homes; Auto salvage; Auto auction; Urban farm; Towing services
<i>East</i>	DR; LI-CO	Undeveloped; Industrial park with warehouses; Mechanical contractor
<i>West</i>	SF-2; SF-1; GR; DR; P	Mobile homes; Single family residences; Undeveloped; Fire station; Police substation

AREA STUDY: N / A

TIA: Is not required

WATERSHED: South Boggy Creek;
Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 26 – Far South Austin Community Association
- 262 – Beaconridge Neighborhood Association
- 300 – Terrell Lane Interceptor Association
- 428 – Barton Springs / Edwards Aquifer Conservation District
- 499 – Park Ridge Owners Association
- 511 – Austin Neighborhoods Council
- 627 – Onion Creek Homeowners Association
- 742 – Austin Independent School District
- 948 – South by Southeast Neighborhood Organization

SCHOOLS:

Williams Elementary School Bedichek Middle School Akins High School

- Williams – 89% at capacity in 2005
- Bedichek Middle School – 83% at capacity in 2005
- Akins – 101% at capacity in 2005

The optimal capacity is between 100% and 110% of permanent capacity. Those schools over 125% are considered to be in excess of the desired capacity and in need of relief.

Source: Mr. Dan Robertson, Director of Planning Services at Austin Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0045 – Pallas 4	DR to LI	To Grant LI-CO for Tract 1; CS-CO for Tract 2 (west 50 feet of the property). CO is for prohibited uses, 35' height limit and 300 trips per day.	Approved LI-CO for Tract 1; CS-CO for Tract 2, as recommended by Commission (6-23-05).
C14-04-0179 – Big 4	DR; SF-2 to CS	To Grant CS-CO with CO for fencing; landscape buffer; 30'	Approved CS-CO district zoning with Street Deed and Public

		structure height; prohibited uses and 2,000 trips. Street deed required on Cullen Lane. Public Restrictive Covenant for hours of operation.	Restrictive Covenant as ZAP recommended (03-10-05).
C14-03-0076 – Ferrell's Farmers Market	DR to GR-MU	To Grant GR-MU-CO, with the CO prohibiting all residential uses except for the existing residences and 2,000 trips.	Approved GR-MU-CO as ZAP recommended (7-17-03).
C14-00-2018 – Wattinger Acres	DR to LI	To Grant LI-CO.	Approved LI-CO with CO for 2,000 trips; no access to Hubach Lane; prohibited uses of scrap & salvage, pawn shops, service station, adult-oriented uses; auto sales and vehicle storage (05-11-00).
C14-99-0039 – Mickey Rich Plumbing and Heating, Inc.	DR to CS-1; LI	CS-1 request withdrawn; To Grant LI-CO with conditions.	Approved LI-CO with CO for 2,000 trips; prohibited uses; no access to Hubach; F.A.R. limited to 0.039 to 1 for retail uses (8-19-99).
C14-94-0046 – Theriot Tract	DR to	To Grant SF-4A-CO with CO limiting residential development to 8 units per acre.	Approved SF-4A-CO as Commission recommended (9-1-94).
C14-85-093 – Bruce Patterson	I-RR to LI	To Grant LI with use limited to steel fabrication and / or warehousing activities.	Approved LI with Restrictive Covenant limiting the use of the property to steel fabrication and / or warehousing activities (1-16-86).

RELATED CASES:

The northern portion of the property was rezoned from DR to LI for Tract 1, W/LO for Tract 2 and SF-6 for Tract 3 on May 14, 1987 (C14-86-137 – Marbella Development Co.). There is a Restrictive Covenant that prohibits all access to Peaceful Hill Lane; establishes a minimum lot size of 20,000 square feet; prohibits basic industry; general warehousing and distribution and resource extraction, establishes a 30 foot landscape buffer along Peaceful Hill Lane and adjacent to the SF-2 zoned property along the north property line. *If SF-4A zoning is granted, then the Restrictive Covenant must be Terminated prior to approval of a Subdivision application.*

The southern portion of the property was recommended for rezoning from DR to LI, subject to conditions by the Planning Commission (C14-86-124 – Robert J. Wilson, Trustee). The Council approved LI zoning on First Reading, however Second and Third Readings did not occur within the standard time frame, and therefore, the case expired and DR zoning remains on the property.

An Agent for the Applicant's Agent submitted a Site Plan Exemption application for tree clearing, which was approved by the City in February, 2005 (SPX-05-0652 – Peaceful Hill Subdivision – S.M.A.R.T. Housing). The scope of the permit was subsequently exceeded which resulted in excessive clearing and the City issued an environmental red tag on the property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Average Daily Trips	Sidewalks	Bus Route	Bike Route
Ralph Ablanedo Drive	55 – 70 feet	23 – 30 feet	Collector	2,295 (2005)	No, not along property frontage	Not within ¼ mile	No
Peaceful Hill Lane	40 – 64 feet	19 – 30 feet	Collector	817 (2005)	No, not along property frontage	Yes, within ¼ mile; Feeder route #252 (Mario Street / Lunar Drive)	No

CITY COUNCIL DATE: September 29, 2005 **ACTION:**

ORDINANCE READINGS: 1st

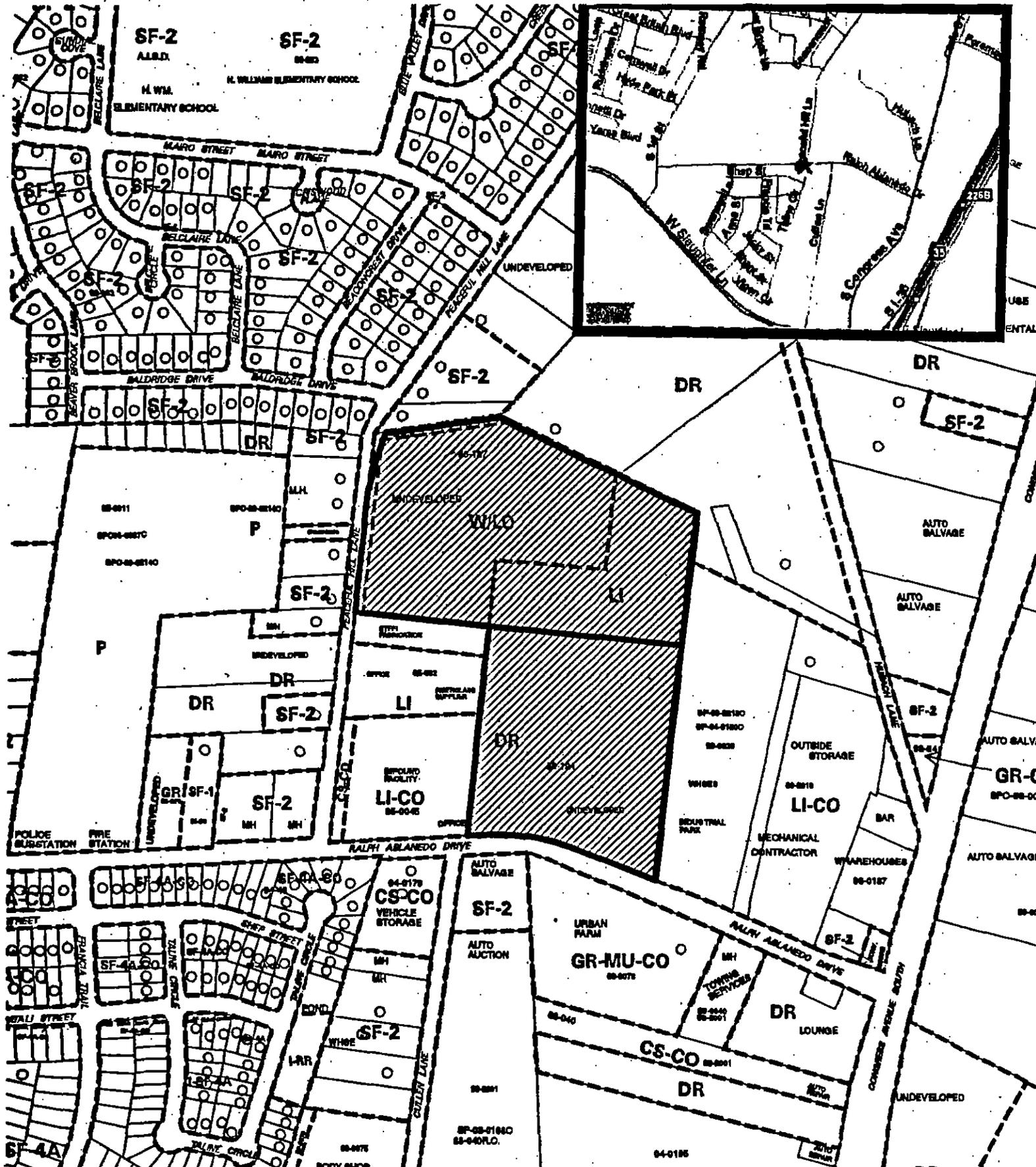
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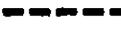
3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: W. WALSH

CASE #: C14-05-0034.SH
ADDRESS: 308 RALPH ABLANEDO DR &
8319 PEACEFUL HILL LANE
 SUBJECT AREA (acres): 23.400

ZONING EXHIBIT A

DATE: 06-07
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
G14

CS-CO



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager
(512) 974-3180, Fax: (512) 974-3112, gina.copic@ci.austin.tx.us

February 15, 2005

S.M.A.R.T. Housing Certification
Main Street Homes Peaceful Hill Subdivision
308 Ralph Ablanedo & 8319 Peaceful Hill Ln

TO WHOM IT MAY CONCERN:

Main Street Homes (Ken Blaker, 327-8620 x133 (o), 748-3887 (m), kblaker@mainstreethomes.com; engineering contact Casey Giles, C. Faulkner Engineering, 433-2602, cgiles@cfaulknerengineering.com) is planning to develop a 130 unit single-family development at 308 Ralph Ablanedo & 8319 Peaceful Hill Ln, not located in an active Neighborhood Planning Area.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 40% of the homes will serve households at or below 80% Median Family Income (MFI) or below, the development will be eligible for full waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees
Building Permit
Construction Inspection

Concrete Permit
Electrical Permit
Subdivision Plan Review
Regular Zoning Fee

Mechanical Permit
Plumbing Permit
Zoning Verification
Land Status Determination

Prior to filing of building permit applications and starting construction, the developer must:

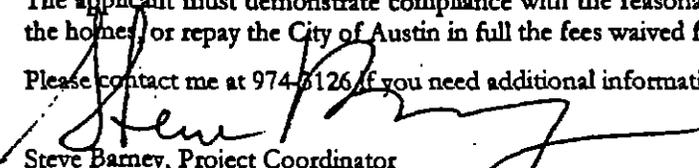
- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Dick Peterson, 482-5372).
- ◆ Submit the S.M.A.R.T. Housing Residential Completeness Check, Permit Application, and plans demonstrating compliance with visitability and transit-oriented standards to single-family permit intake staff at One Texas Center, 505 Barton Springs Road.

Before a Certificate of Occupancy will be granted, units in the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection by NHCD to certify that visitability and/or accessibility and transit-oriented standards have been met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the homes or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 974-3126 if you need additional information.


Steve Barney, Project Coordinator
Neighborhood Housing and Community Development Office

Cc: Gina Copic, NHCD
Javier Delgado, NHCD
Robby McArthur, WWW Taps
Adam Smith, NPZD

Stuart Hersh, NHCD
Janet Gallagher, WPDR
Dick Peterson, Austin Energy
Ricardo Soliz, NPZD

Yolanda Parada, WPDR
Marzia Volpe, WPDR
Lisa Nickle, WPDR

ATTACHMENT A



MEMORANDUM

TO: Wendy Walsh, Case Manager
CC: Members of the Zoning and Platting Commission
Ken Blaker, Main Street Homes
FROM: Joe Almazan, Transportation Reviewer
DATE: July 25, 2005
SUBJECT: Neighborhood Traffic Analysis for Peaceful Hill Subdivision
Zoning Case No. C14-05-0034.SH

Section 25-6-114 of the Land Development Code requires that a neighborhood traffic analysis be conducted for a project proposed with a zoning application if:

- (1) the project has access to a residential local or collector street; *and*
- (2) the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day.

The 23.40 acre tract is located in south Austin on Peaceful Hill Road north of Ralph Ablanedo Drive and south of West Dittmar Road. The site is currently zoned primarily for industrial and warehouse-limited office land uses with LI and W/LO zoning. Surrounding development includes intensive commercial and industrial properties adjacent to the south and east, and single-family residential to the north and northwest. The applicant's zoning request is for SF-4A single-family residential with small lot density zoning. If the acres to be rezoned would be allowed to develop to the maximum permitted density under the zoning request, the trip generation for the project is estimated will generate approximately 2,714 vehicle trips per day. The conditional overlay would limit the development of the site to 2,000 vehicles per day. However, the applicant is planning to develop 130 single-family residences under the S.M.A.R.T. Housing Program, which is estimated will generate approximately 1,324 vehicle trips per day. Completion of the project is planned for 2007.

Roadways

The tract proposes access to Peaceful Hill Road via two (2) proposed roadways and to Ralph Ablanedo Drive via two (2) roadways based on the preliminary plan. The single-family residential development will be served by local residential "elbow" streets. Elbow streets are intended to serve low density areas which connect two (2) local streets or a residential collector street with a local street and are not intended to carry through traffic. The subject tract is oriented to a residential collector street (Peaceful Hill Road) and the remaining portion of the tract is oriented to a non-residential collector street (Ralph Ablanedo Drive).

Peaceful Hill Road is classified as a residential collector with right-of-way that varies between 40 and 60 feet. The pavement width is 30 feet south of West Dittmar Road but narrows to 19 or less adjacent to the site. Under Section 25-6-114 of the Land Development Code, this portion of Peaceful Hill Road is considered a residential collector street because at least 50 percent of its frontage is zoned for SF-5

or more restrictive uses. In May 2005, the traffic volume on Peaceful Hill Road was 817 vehicles per day (north of Ralph Ablanado Drive).

Ralph Ablanado Drive is classified as a non-residential collector with right-of-way that varies between 55 and 70 feet. Although Ralph Ablanado Drive is not subject to Section 25-6-114 of the Land Development Code, it will serve as a major access point for this residential development and therefore is included as part of this analysis. The pavement width varies between 23 and 30 feet adjacent to the site. In May 2005, the traffic volume on Ralph Ablanado Drive was 2,295 vehicles per day.

Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's publication Trip Generation, 7th Edition, the 130 single-family residential dwelling units proposed with this S.M.A.R.T. Housing development will generate 1,324 vehicle trips per day (vpd). Site traffic is expected to use Peaceful Hill Road, a substandard residential street with predominately single-family residential usage. Approximately 50% of the site traffic will be directed to Peaceful Hill Road en route to West Dittmar Road (north) or Ralph Ablanado Drive (south), while the remaining 50% of the site traffic will be directed to Ralph Ablanado Drive en route towards South 1st Street (west) or South Congress Avenue (east). A small percentage of site traffic may be expected to use the surrounding streets (e.g. Mairo Street) for access to the elementary school or as an alternate travel route. Trip generation for the 130 single-family residential dwelling units is summarized in Table 1.

Table 1.		
Land Use	Size	Trip Generation
Single-Family	130 d.u.	1, 324

Table 2 represents the expected distribution of the 1, 324 trips:

Table 2.	
Street	Traffic Distribution by Percent
Peaceful Hill Road	50%
Ralph Ablanado Drive	50%

According to Section 25-6-116 of the Land Development Code, streets which are less than 30 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways is less than 1,200 vehicle trips per day. Streets which are 30 feet in width but less than 40 feet in width have a desirable operating level of 1,800 vehicle trips per day or less. In 2005, the existing daily traffic volume on Peaceful Hill Road was 817 vehicles per day.

For this study, existing traffic counts on Peaceful Hill Road were taken since this collector serves as a major artery for the surrounding residential properties. Peaceful Hill Road is a substandard roadway with less than 20 feet of pavement width adjacent to the site. The existing roadway is lined with drainage ditches and has no shoulder area. The existing roadway is also surrounded with heavy tree and vegetation coverage, which creates significant access and sight visibility restrictions for traffic using Peaceful Hill Road adjacent to the site.

Table 3 represents a breakdown of existing traffic, proposed site traffic, total traffic after development and percentage increase in traffic on Peaceful Hill Road and Ralph Ablanado Drive.

Street	Pavement Width (ft)	Maximum Desirable Volume (vpd)	Existing Traffic (vpd)	Proposed New Site Traffic	Overall Traffic	Percentage Increase In Traffic
Peaceful Hill Road	19'	1,200	817	662	1,473	81%
Ralph Ablanado Drive	23'-30'	*	2,295	662	2,957	29%

Recommendations/Conclusions

1. If the zoning request is granted, then up to 30 feet of additional right-of-way from the existing centerline of Peaceful Hill Road should be dedicated in accordance with the Transportation Criteria Manual.
2. If the zoning request is granted, then up to 35 feet of additional right-of-way from the existing centerline of Ralph Ablanado Drive should be dedicated in accordance with the Transportation Criteria Manual.
3. Prior to final reading of the zoning, the applicant should post fiscal for the estimated cost to widen Peaceful Hill Road at the two (2) site roadways (based on the preliminary plan) serving the subdivision to provide a separate left-turn lane and a right-turn deceleration lane for entering site traffic. Turn lanes serving only one project (e.g. left or right turn lanes) is funded 100% by the applicant. The applicant should submit a schematic drawing with dimensions and a construction cost estimate signed and sealed by an engineer to verify the amount required for posting. It is recommended that these improvements be implemented by the applicant to assure safer access and circulation into the subdivision. The roadway improvements should be included with the subdivision construction phase of the project.
4. Traffic on Peaceful Hill Road will increase by 81% with the addition of this proposed development. The increase in site traffic will result in Peaceful Hill Road operating over the desirable level of 1,200 vehicles per day. At the time of subdivision application, the applicant will be required to post fiscal for improving the roadway width up to 40 feet of pavement for the entire street frontage. As part of boundary street fiscal surety requirements, the applicant will be responsible for one-half (50%) of the roadway improvements, which will be determined during the subdivision review process. The applicant must submit a construction cost estimate signed and sealed by an engineer to verify the amount required for posting.
5. Although Ralph Ablanado is not subject to Section 25-6-116 of the Land Development Code, the applicant will also be required to post fiscal for improving the roadway width up to 48 feet of pavement for the entire street frontage. As part of boundary street fiscal surety requirements, the applicant will be responsible for one-half (50%) of the roadway improvements, which will be determined during the subdivision review process. The applicant must submit a construction cost estimate signed and sealed by an engineer to verify the amount required for posting.

If you have any questions or require additional information, please contact me at 974-2674.

Joe R. Almazan

Joe R. Almazan
Development Services Process Coordinator
Land Use Review/S.M.A.R.T. Housing Program
Watershed Protection and Development Review Department

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny single family residence small lot (SF-4A) district zoning.

However, if the requested zoning is recommended for this site, then the Staff recommends: 1) a Conditional Overlay limiting development to less than 2,000 vehicle trips per day and 2) a Restrictive Covenant to include all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated July 25, 2005 and provided as Attachment B.

BACKGROUND

The subject property is undeveloped and is zoned townhouse and condominium residence (SF-6), warehouse / limited office (W/LO) and limited industrial services (LI) by way of a 1986-87 case, and development reserve (DR) zoning. The property has frontage along Peaceful Hill Lane and Ralph Ablanado Drive, both of which are collector streets.

The applicant proposes to rezone the property to the single family residence – small lot (SF-4A) district for the development of 130 single family residences and provide infill housing. The conceptual subdivision layout is illustrated in Exhibit B.

Except for the subject undeveloped property, the adjacent land uses on the north side of Ralph Ablanado Drive, between Peaceful Hill Lane and South Congress Avenue have an industrial character. These uses include a steel fabrication company, fiberglass supplier, vehicle impound facility, an industrial park, mechanical contractor and warehouses. Along the west side of Peaceful Hill Lane, there is a mixture of mobile homes, single family residences, undeveloped land and restricted (emergency only) access to Peaceful Hill Lane for the fire and police stations SF-2; DR; P). The south side of Ralph Ablanado consists of the Park Ridge subdivision, vehicle storage and auto salvage uses, an urban farm and towing services (SF-4A-CO; CS-CO; SF-2; GR-MU-CO).

The Staff is unable to recommend SF-4A district zoning, based on the following considerations: 1) It is adjacent to existing industrial uses and zoning (sharing common south, west and east property lines) and this land use pattern extends east to South Congress Avenue; 2) new residential development adjacent and in close proximity to industrial uses, operations and corresponding truck traffic creates a land use compatibility and does not promote an orderly relationship among land uses or the public health, safety and welfare; and 3) it would set an undesirable precedent for other properties in the neighborhood or within other areas of the City.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The single family residence small lot (SF-4A) district is intended as an area for moderate density single-family residential use, with a minimum lot size of 3,600 square feet. In

appropriate locations, small lot single-family use is permitted under standards that maintain single-family neighborhood characteristics.

The Applicant is seeking SF-4A zoning to construct a 130 lot single family residential – small lot subdivision.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

The Staff is unable to recommend SF-4A district zoning, based on the following considerations: 1) It is adjacent to existing industrial uses and zoning (sharing common south, west and east property lines) and this land use pattern extends east to South Congress Avenue; 2) new residential development adjacent and in close proximity to industrial uses, operations and corresponding truck traffic creates a land use compatibility and does not promote an orderly relationship among land uses or the public health, safety and welfare; and 3) it would set an undesirable precedent for other properties in the neighborhood or within other areas of the City.

EXISTING CONDITIONS

Site Characteristics

The property is undeveloped and moderately wooded. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the SF-4A zoning district would be 55%, which is based on the more restrictive watershed regulations described below.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Onion and South Boggy Creek Watersheds of the Colorado River Basin, which are classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

SF-4A allows for 55% of the net site area.

According to flood plain maps, there no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rim-rock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Ralph Ablanedo Drive in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

If the requested zoning is recommended for this site, 32 feet of right-of-way should be dedicated from the centerline of Peaceful Hill Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

The trip generation under the requested zoning is estimated to be 2,714 trips per day assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

- a) The developer is proposing to develop 130 single-family residential dwelling units which is estimated will generate 1,242 trips per day.

A Neighborhood Traffic Analysis is required and will be performed for this project by the transportation review staff (LDC, 25-6-114). Results are provided in Attachment B.

Water and Wastewater

The landowner intends to serve each lot with City water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, offsite main extension, and utility adjustment to serve each lot and land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City.

Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Due to existing neighboring manufacturing uses, reviewer recommends a 50-foot residential building setback from all commercially zoned properties or existing commercial uses.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-05-0034.SH

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

August 2, 2005 Zoning and Platting Commission.

PHILLIP PARKER

Your Name (please print)

8501 PEACEFUL HILL LANE

Your address(es) affected by this application

Phillip Parker

Signature

7-26-05

Date

Comments: I AM A PARTNER IN A BUSINESS

LOCATED AT THIS ADDRESS. THE PROPERTY IN

QUESTION IS SURROUNDED BY BUSINESSES THAT

SHOULD NOT BE ALLOWED TO LOCATE NEXT TO

A NEIGHBORHOOD. THEY ARE A SHEET METAL

FABRICATOR, A FIBERGLASS SUPPLIER HANDLING

HIGHLY FLAMMABLE CHEMICALS, A VEHICLE IMPOUND

LOT, AN AUTO SALVAGE YARD, AN INDUSTRIAL PARK

AND A MECHANICAL CONTRACTOR. WHY WOULD YOU

DEEP A SUBDIVISION IN THE CENTER OF THIS

CIRCLE. IT WOULD NOT BE LONG BEFORE

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810



(over)

THE NEW NEIGHBORS COMPLAIN ABOUT THE NOISE EARLY IN THE MORNING, DUST, TRUCK TRAFFIC, OUTDOOR AUTO AUCTIONS, THE SOUND OF A CAR CRUSHER, ~~EXHAUST~~ ~~THE~~ AND THE SMELLS ASSOCIATED WITH THESE BUSINESSES, INVADING THEIR NEW HOMES. WE HAVE RECENTLY SIGNED A TEN YEAR LEASE AT THIS LOCATION AND HAVE BEEN OPERATING AT THIS LOCATION SINCE ~~THE~~ THE CITY'S ANNEXATION OF THE AREA. OUR PAYROLL EXCEEDS 1 MILLION DOLLARS ANNUALLY. I, (WE) FEEL THIS DEVELOPMENT WOULD JEOPARDIZE OUR ABILITY TO DO BUSINESS AS WE HAVE FOR DECADES. IF FORCED OUT, THE JOBS, PAYROLL, AND TAXES ASSOCIATED WITH OUR COMPANY WOULD LEAVE THE CITY.

PUBLIC HEARING INFORMATION

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Case Number: C14-05-0034.SH

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

August 2, 2005 Zoning and Platting Commission



Your Name (please print) Dennis M. Strickland

401 Baldridge

Your address(es) affected by this application

Dennis M. Strickland

Signature

Date

25 July 05

Comments:

This project sounds like low cost housing - These projects have a history of coming - Why not put them on the old airport - or better - still fast after the Doot Spring storm & rebuild where the time is already high - Neighborhood is quite high

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Wendy Walsh
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-05-0034.SH
Contact: Wendy Walsh, (512) 974-7719
Public Hearing:
August 2, 2005 Zoning and Platting Commission.



Your Name (please print)
Donna F. Adams

Your address(es) affected by this application
8506 Peaceful Hill

Signature
Donna F. Adams

Date
7-27-05

Comments:
Peaceful Hill Lane is already too small for to accommodate the amount traffic needs. New house will make my street too dangerous. Keep the zoning as is.

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Wendy Walsh
P. O. Box 1088
Austin, TX 78767-8810

P E T I T I O N

Date: April 20, 2005

File Number: C14-05-0034 SH

Address of 308 Ralph Ablanado Drive
Rezoning Request: 8319 Peaceful Hill Lane

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LO, LR, CS, W/LO, LI, GO, GR, or NO.

- The parcel at 8602 Cullen Ln. is zoned CS which by the city's definition is considered "generally incompatible with residential environments.
- The parcel at 220 Ralph Ablanado Dr. is ^{zoned} LI and is presently used as a vehicle crushing facility and storage site thus making it incompatible with residential environments.
- Parcels at ~~8505~~ ⁸⁵⁰⁵ Peaceful Hill Ln, 130 Ralph Ablanado Dr. are also designated as LI or LI-CO ~~and~~ would additionally not be suited to residential environments.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
<i>Jim Pallas</i>	- JIM PALLAS	8601 Cullen LN (221 Ralph Ablanado)
<i>Jim Pallas</i>	- JIM PALLAS	8602 Cullen LN
<i>Jim Pallas</i>	- JIM PALLAS	220 RALPH Ablanado
<i>Rex Ribelin</i>	- Rex Ribelin	8505 Peaceful Hill Ln.
<i>Mickey Rich</i>	- Mickey Rich	130 Ralph Ablanado
<i>Jimmy Crrippen</i>	- JIMMY CRIPPEN	8502 PEACEFUL HILL LA.
<i>Donna F. Adams</i>	- Donna F. Adams	8506 Peaceful Hill La.
<i>Paul Rushing</i>	- PAUL RUSHING	8300 PEACEFUL HILL LA
<i>Henry A. Hubach</i>	- HENRY A. HURACH	501 HURACH LANE
<i>Aylene M. Valls</i>	- Aylene M. Valls	8204 Peaceful Hill Ln.
<i>Judy F. Short</i>	- JUDY F. SHORT	8400 Peaceful Hill Lane
<i>Linda Cherney</i>	- LINDA CHERNEY	8410A PEACEFUL HILL LN.
<i>Patricia Nelker</i>	- PATRICIA NELKER	8306 Peaceful Hill Ln.
<i>Chris Cleaman</i>	- CHRIS Cleaman	203 Ralph Ablanado
<i>Katharine Alt</i>	- KATHERINE ALT	400 BALDRIDGE DR
<i>John F. Taylor</i>	- John F. Taylor	8201 Peaceful Hill Ln.

Date: _____

Contact Name: Jennifer Stapleton

Phone Number: (512) 731-7731

Dennis Strickland
 Dennis Strickland 401 Baldrige
E. L. Prochnow - 8406 Peaceful Hill Ln.

PETITION

Case Number: **C14-05-0034.SH** Date: Aug. 2, 2005

Total Area within 200' of subject tract: (sq. ft.) 1,029,779.18

1	<u>04-2809-0104</u>	<u>HUBACH HENRY A</u>	<u>88,422.17</u>	<u>8.59%</u>
2	<u>04-2809-0110</u>	<u>RICH MICKEY PLUMBING & HEATING</u>	<u>211,604.71</u>	<u>20.55%</u>
3	<u>04-2811-0109</u>	<u>RUSHING CARL</u>	<u>12,309.51</u>	<u>1.20%</u>
4	<u>04-2811-0114</u>	<u>CHERNEY LINDA & EILEEN BROWN</u>	<u>14,178.78</u>	<u>1.38%</u>
5	<u>04-2811-0201</u>	<u>PALLAS JAMES M & BARBARA</u>	<u>85,453.26</u>	<u>8.30%</u>
6	<u>04-2811-0202</u>	<u>RIBELIN ROY A II</u>	<u>64,948.21</u>	<u>6.31%</u>
7	<u>04-2811-0203</u>	<u>CRIPPEN JIMMY L</u>	<u>44,958.10</u>	<u>4.37%</u>
8	<u>04-3009-0201</u>	<u>PALLAS JAMES M & BARBARA J</u>	<u>15,755.44</u>	<u>1.53%</u>
9	<u>04-3009-0303</u>	<u>PALLAS JAMES MICHAEL</u>	<u>41,102.33</u>	<u>3.99%</u>
10	<u>04-3009-0304</u>	<u>FERRELL NELDA</u>	<u>87,877.69</u>	<u>8.53%</u>
11	<u>04-2513-0605</u>	<u>STRICKLAND DENNIS M</u>	<u>13,086.17</u>	<u>1.27%</u>
12	<u>04-2513-0509</u>	<u>ALT KATHERINE JEANNE</u>	<u>9,902.69</u>	<u>0.96%</u>
13	<u>04-2809-0102</u>	<u>TAYLOR JOHN F & ANNELL</u>	<u>55,814.87</u>	<u>5.42%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:	Total Area of Petitioner:	Total %
<u>Stacy Meeks</u>	<u>745,413.94</u>	<u>72.39%</u>



August 2, 2005

Ms. Wendy Walsh
Senior Planner
City of Austin
Neighborhood Planning & Zoning Department
P.O. Box 1088
Austin, Tx. 78767-8810

Re: Zoning Case No. C14-05-0034.SH

Dear Ms. Walsh:

As you are aware the above zoning case is scheduled to be heard by the Zoning and Platting Commission tonight. On behalf of Main Street Homes and the property's owners we hereby respectfully request that this application be postponed to the Commission's August 16th meeting. Unfortunately we did not realize that today is national night out for residential communities and as such attendance may be light. We would like for all who wish to discuss this case to have an opportunity to do so. We appreciate your assistance in overseeing this request and apologize for its lateness.

Thank you for your time regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kenneth T. Blaker".

Kenneth T. Blaker
V.P. - Land Development

cc: Betty Baker, Chair Zoning and Platting Commission

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning & Platting Commission

FROM: Dora Anguiano, ZAP Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: September 22, 2005

SUBJECT: ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

CASE # C14-05-0034.SH

14. Rezoning: C14-05-0034.SH - Peaceful Hill Subdivision - S.M.A.R.T. Housing
Location: 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane, South Boggy Creek; Onion Creek Watershed
Owner/Applicant: Peaceful Hill One, Ltd.; Austin Peaceful Hill Ltd. (John C. Rosato)
Agent: Main Street Homes (Ken Blaker)
Postponements: Postponed from 08/02/05 (applicant)
Request: DR; LI; W/LO; SF-6 to SF-4A
Staff Rec.: NOT RECOMMENDED
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Wendy Walsh, staff, gave her presentation to the full Commission.

Stuart Hersh, S.M.A.R.T. Housing staff, gave a presentation to the full Commission, in favor for the S.M.A.R.T. Housing project.

Commissioner Baker – “Mr. Hersh, you really tip-toed through the tulips and I appreciate it because you did it so well; I just have a problem, don’t you tie up funds when you issue this?”

Mr. Hersh – “No”.

Commissioner Baker – “Oh okay, because I thought you were. I guess I’m concerned when one City department says one thing and another City department says another”.

Mr. Hersh – “We support the zoning; Staff speaks with one voice and that voice is Neighborhood Planning and Zoning. We are here in the event that the applicant is successful, then there’s the potential of this being a S.M.A.R.T. Housing subdivision. In the event that the application is not successful, then the likelihood that the existing SF-6 zoning will likely be market rate housing with no affordability component. That is our role in this case”.

Commissioner Donisi – “How far is this from I-35?”

Mr. Hersh – “It’s couple of miles from I-35, it’s on South Congress”.

Commissioner Donisi – “I don’t think it’s a couple of miles. Is the reason you are making this case only because it is on the west side of I-35?”

Mr. Hersh – “No, we are making this case because there’s the potential of getting a portion of this development to be affordable when the existing zoning were not to change, would yield only market housing, none of which would serve families at 80% MFI; whether it’s west of I-35 or east of I-35, it would be the same issue”.

Commissioner Donisi – “Thank you”.

Commissioner Hammond – “This site has got a sheet metal fabricator, a fiber glass company handling highly flammable chemicals, a vehicle impound lot and an auto salvage yard, industrial park and a mechanical contractor all adjacent to this proposal. I can’t imagine somebody coming in with a higher use subdivision on this property; it just seems so inappropriate to me”.

Mr. Hersh – “You’ll find that an SF-4A is a less intense use than the existing SF-6 entitles would allow on that portion of the site”.

Commissioner Hawthorne – “Is the SF-6 just a buffer strip?”

Ms. Walsh – “Yes, the SF-6 is on the north and west side of the property, it’s 30-foot wide, it’s intended as a landscape buffer before we had conditional overlays. The idea was to prohibit access to Peaceful Hill Lane”.

Commissioner Hawthorne – “So the SF-6 is not a usable section in terms of build-ability?”

Ms. Walsh – “Not at 30-foot wide”.

Commissioner Hawthorne – “I thought the SF-6 was a buffer because it doesn’t even come up on the map as showing SF-6”.

Commissioner Donisi – “Do you feel comfortable representing the City in this situation, putting people who are at lower income, placing them in a neighborhood next to a steel fabrication company, fiber glass supplier, a vehicle impound facility, industrial park, mechanical contractor and warehouses? You want to encourage people at that income level to move into a neighborhood in that situation?”

Mr. Hersh – “I think the Neighborhood Planning and Zoning staff has spoken to you about their perspective on the appropriateness from their point of view of this land use relative to the other uses. If this land use is granted then there would have to be certain issues addressed relative to those other uses. I’m confident that our Land Development Code provides a sufficient level of safety, as long as they comply with all of those standards, then we will end up with people in safe homes”.

Ken Blaker, representing the Main Street Homes – “We’re in the business of providing quality, reasonably-priced housing in and around the Austin Metropolitan Area; this tract is a unique tract, you have W/LO, LI, and it has DR. It is very difficult to provide affordable housing on the west side of I-35; we have also located this tract close to shopping facilities that are coming in”. [Mr. Blaker continued with his presentation to the full Commission].

Commissioner Rabago – “The lots are going to be 3,600 square feet?”

Mr. Blaker – “No, that is the minimum criteria of the SF-4 zoning; its 3,600 square feet up to 5,750 square feet; our lot sizes will roughly be about 5,200 to 5,500 square feet”.

Commissioner Rabago – “I’m confused about whether or not the S.M.A.R.T. Housing opportunities through Main Street Homes are going to provide lots that are affordable for the buyers that are in the 80% median income? The affordable housing isn’t limited to the smaller lots that will allow for people to move to the west side of I-35”.

Commissioner Baker – “Let’s try it this way; what’s your price range?”

Mr. Blaker – “My price range will probably be in the high \$80’s to about \$130’s”.

Commissioner Rabago – “So the \$80,000 maybe the smaller lots?”

Mr. Blaker – “Yes”.

Commissioner Hammond – “How will you be marketing this, will you be trying to sell with benefits to living next to an auto salvage yard? I see some obstacles here; this site does have a lot of impediments”.

Mr. Blaker – “It does and there’s no question about that; I can tell you that it is going to sell, there’s a railroad where homes back up to it and those homes sold”.

Commissioner Hammond – “I know we’re not talking about the site plan tonight, but is there anything that you guys could do on a site plan to give some sort of buffer between the subdivision and these very heavily commercial uses?”

Mr. Blaker – “I don’t know so much for a buffer, but there’s something that we can probably work out from a wall standpoint, we can look at something like that, especially for the west side of the tract. On the north side tract where the SF-2 properties are, the lots are deeper from a buffer standpoint to the SF-2 tracts and DR tract”.

Commissioner Rabago – “What will the square footage will be of the improvement that will be listed at \$80,000?”

Mr. Blaker – “It will probably start at 1,100 square feet”.

FAVOR

No Speakers.

OPPOSITION

Jennifer Stapleton, resident – Spoke in opposition. Mrs. Stapleton spoke in regards to a valid petition that the neighborhood has submitted.

Commissioner Hammond – “You said you have a property on Ralph Albanedo, is that your residence?”

Mrs. Stapleton – “Right now it is, the property is zoned GR-MU-CO because the house was already in existence, it’s been in my family for over 40-years. None of the members in my family believe that this is an appropriate residential environment. Honestly, my brother and I can’t wait to get out”.

Commissioner Baker – “Wasn’t there a residence recently built on that site?”

Mrs. Stapleton – “Yes, a guest house”.

Jim Crippen, Owner of the sheet metal shop – Spoke in opposition. “I don’t know if any of you have ever heard a screw compressor a jet pump come on at 5:30 in the morning; but they are very loud. I can’t imagine anyone wanting to live or build a house 30 or 40 feet off a buffer; 30 or 40 feet is not a reasonable buffer when you’re dealing with the kind of equipment that we have in our shop. There will be noise and security factor. I don’t believe that this is a good place for homes”.

Commissioner Baker – “Does your noise level comply with the City’s noise ordinance?”

Mr. Crippen – “Yes”.

Commissioner Hammond – “What do you build at your fabrication?”

Mr. Crippen – “We built the lights in here (Council Chambers), we build for the semiconductor industry; we do specialty type metal work”.

Commissioner Hawthorne – “What type of truck traffic do you have at your business?”

Mr. Crippen – “We have 16 work trucks, everything from pick-ups to flat bed trucks; most of our delivery trucks are 18-wheelers”.

Commissioner Baker – “Wow, and this is Peaceful Hill”.

[Laughter]

Pat Nelker, resident – Spoke in opposition. Mrs. Nelker spoke in regards to traffic increase, safety of children and inability of the City to uphold their promises to the homeowners on Peaceful Hill that the large fire trucks will not use Peaceful Hill to access the Beacon Ridge housing area, unless there was a fire or there was traffic accidents on Ralph Albanedo in such a fashion that they could not reach Congress or 1st Street. There are no sidewalks or curbs”.

Commissioner Baker – “Do you have children?”

Mrs. Nelker – “I have a daughter who was 10-years old when we moved in”.

Commissioner Baker – “So the steel fabrication was not a danger to her?”

Mrs. Nelker – “I’m at the far end of Peaceful Hill and the commercial businesses are closer to Ralph Albanedo end of that section”.

Commissioner Hammond – “If this doesn’t become a subdivision, it’s going to become something else, it could be another auto recycling center or more steel fabricators or other types of uses, is that a better option for you?”

Mrs. Nelker – “Do I want a salvage yard across the street that I have to look at when I sit on my porch? NO. But neither do I want to see 150 houses with 300 cars and 300 children trying to run up and down a road; someone will get hurt. It’s a safety issue in my mind”.

Linda Cherney, resident – Spoke in opposition. Mrs. Cherney spoke in regards to the noise in the neighborhood. “Most of us that are there have been there for a long time, it’s not the same as adding more people in the middle of what already exist. The streets are very narrow and unsafe”.

Jim Pallas, property owner – Spoke in opposition. He stated that property owners were not notified about the project until just 3 days prior to the last scheduled hearing.

Commissioner Baker – “What is the current use on the property you own?”

Mr. Pallas – “I have the junk yard; the auto salvage”.

Commissioner Baker – “The LI-CO across from the vehicle storage is an impound facility, is that the City’s?”

Mr. Pallas – “Yes”.

REBUTTAL

Mr. Blaker – “I don’t disagree with Peaceful Hill on the substandards of the road, I too would not want to accidents on the road. The fact is that you had recent properties come through that was recently rezoned and had no conditions on upgrading those roads even though they are doing commercial traffic through the area. We agree to upgrade to the standard that is needed, we will also agree to prohibit access, if that would help and to take access off of Ralph Albanedo; to that end Ralph Albanedo is a collector, it is designed to carry the traffic that we would be having. We did get a permit from the City, we were red tagged, we were red tagged because of tracking mud on the streets, we fixed the problem. We request for your approval for the SF-4A zoning”.

Commissioner Martinez and Hammond moved to close the public hearing.

Commissioner Baker – “I can’t think of anything more difficult to address, so I’m going to play the devil’s advocate on both sides of this issue. I’m not going to say that I’ve lived out there longer than Mr. Crippen, but I probably have, not in this immediate area but I can remember when Beverly’s was something else as far as the name. My grandfather ran a grocery store; so you’re going to have to go far pretty far back to know more about the area than I do. I understand every word you’ve said, I have been down Peaceful Lane as a Staff member with the City doing site visits and zoning recommendations, I think I did the W/LO zoning case and the LI zoning case. If I thought it was legitimate I would probably abstain. It is a mess and Mr. Crippen, Mr. Pallas, in a way I can understand your concerns, I’m just wondering if you had a really big steel, industrial, fabricating plant come, widen Peaceful Hill from that turn all the way down to Ralph Albandedo, you’d have 18-wheelers, you’d have a lot of things going in and out of there, it’s zoned for it. We wouldn’t even see it, it would be an administrative site plan. Now I’ll do the other side, because I can do both sides to this. Park Ridge, I remember it well because of the Wal-Mart case...

[Technical audio problems occurred].

Commissioner Donisi – “I’ll like to move that we accept the Staff’s recommendation to deny the zoning change”.

Commissioner Rabago – “Second”.

Commissioner Baker – “I’m going to oppose the motion; I think anything is better than the zoning that is currently there”.

Motion carried. (5-3)

**COMMISSION ACTION:
MOTION:**

AYES:

NAY:

ABSENT:

**DONISI, RABAGO
APPROVED STAFF’S
RECOMMENDATION TO DENY THE
REQUEST FOR SF-4A DISTRICT
ZONING.
HAMMOND, GOHIL, RABAGO,
MARTINEZ, DONISI
BAKER, HAWTHORNE, PINNELLI
JACKSON**

MOTION CARRIED WITH VOTE: 5-3.

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning & Platting Commission

FROM: Dora Anguiano, ZAP Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: September 22, 2005

SUBJECT: ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

CASE # C14-05-0034.SH

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Location: 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane, South Boggy Creek; Onion Creek Watershed
Owner/Applicant: Peaceful Hill One, Ltd.; Austin Peaceful Hill Ltd. (John C. Rosato)
Agent: Main Street Homes (Ken Blaker)
Postponements: Postponed from 08/02/05 (applicant)
Request: DR; LI; W/LO; SF-6 to SF-4A
Staff Rec.: NOT RECOMMENDED
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Wendy Walsh, staff, gave her presentation to the full commission.

Stuart Hersh, SMART Housing staff, gave a presentation to the full commission, in favor for the SMART Housing project.

Commissioner Baker – “Mr. Hersh, you really tip-toed through the tulips and I appreciate it because you did it so well; I just have a problem, don’t you tie up funds when you issue this?”

Mr. Hersh – “No”.

Commission Baker – “Oh okay, because I thought you were. I guess I’m concern when one city department says one thing and another city department says another”.

Commissioner Hersh – “We support the zoning; staff speaks with one voice and that voice is neighborhood planning and zoning. We are here in the event that the applicant is successful, then there’s the potential of this being a SMART Housing subdivision. In the event that the application is not successful, then the likelihood that the existing SF-6 zoning will likely be market rate housing with no affordability component. That is our role in this case”.

Commissioner Donisi – “How far is this from I-35?”

Mr. Hersh – “its couple of miles from I-35, it’s on South Congress”.

Commissioner Donisi – “I don’t think it’s a couple of miles. Is the reason you are making this case only because it is on the west side of I-35?”

Mr. Hersh – “No, we are making this case because there’s the potential of getting a portion of this development to be affordable when the existing zoning were not to change, would yield only market housing, none of which would serve families at 80% MFI; whether it’s west of I-35 or east of I-35, it would be the same issue”.

Commissioner Donisi – “Thank you”.

Commissioner Hammond – “This site has got a sheet metal fabricator, a fiber glass company handling highly flammable chemicals, a vehicle impound lot and an auto salvage yard, industrial park and a mechanical contractor all adjacent to this proposal. I can’t imagine somebody coming in with a higher use subdivision on this property; it just seems so inappropriate to me”.

Mr. Hersh – “You’ll find that an SF-4A is a less intense use than the existing SF-6 entitles would allow on that portion of the site”.

Commissioner Hawthorne – “Is the SF-6 just a buffer strip?”

Ms. Walsh – “Yes, the SF-6 is on the north and west side of the property, it’s 30-feet wide, its intended as a landscape buffer before we had conditional overlays. The idea was to prohibit access to Peaceful Hill Lane”.

Commissioner Hawthorne – “So the SF-6 is not a usable section in terms of build-ability?”

Ms. Walsh – “Not at 30-feet wide”.

Commissioner Hawthorne – “I thought the SF-6 was a buffer because it doesn’t even come up on the map as showing SF-6”.

Commissioner Donisi – “Do you feel comfortable representing the City in this situation, putting people who are at lower income, placing them in a neighborhood next to a steel fabrication company, fiber glass supplier, a vehicle impound facility, industrial park, mechanical contractor and warehouses? You want to encourage people at that income level to move into a neighborhood in that situation?”

Mr. Hersh – “I think the Neighborhood Planning and Zoning staff has spoken to you about their perspective on the appropriateness from their point of view of this land use relative to the other uses. If this land use is granted then there would have to be certain issues addressed relative to those other uses. I’m confident that our Land Development Code provides a sufficient level of safety, as long as they comply with all of those standards, then we will end up with people in safe homes”.

Ken Blaker, representing the Main Street Homes – “We’re in the business of providing quality reasonably priced housing in and around the Austin Metropolitan Area; this tract is a unique tract, you have W/LO, LI, and it has DR. It is very difficult to provide affordable housing on the west side of I-35; we have also located this tract close to shopping facilities that are coming in”. [Mr. Blaker continued with his presentation to the full commission].

Commissioner Rabago – “The lots are going to be 3600 square feet?”

Mr. Blaker – “No, that is the minimum criteria of the SF-4 zoning; its 3600 square feet up to 5750 square feet; our lot sizes will roughly be about 5200 to 5500 square feet”.

Commissioner Rabago – “I’m confused about whether or not the SMART Housing opportunities through Main Street Homes is going to provide lots that are affordable for the buyers that are in the 80% median income? The affordable housing isn’t limited to the smaller lots that will a lot for people to move to the west side of I-35”.

Commissioner Baker – “Let’s try it this way; what’s your price range?”

Mr. Blaker – “My price range will probably be in the high 80’s to about 130’s”.

Commissioner Rabago – “So the 80,000 maybe the smaller lots?”

Mr. Blaker – “Yes”.

Commissioner Hammond – “How will you be marketing this, will you be trying to sell with benefits to living next to an auto salvage yard. I see some obstacles here; this site does have a lot of impediments”.

Mr. Blaker – “It does and there’s no question about that; I can tell you that it is going to sell, there’s a railroad where homes back up to it and those homes sold”.

Commissioner Hammond – “I know we’re not talking about the site plan tonight, but is there anything that you guys could do on a site plan to give some sort of buffer between the subdivision and these very heavily commercial uses?”

Mr. Blaker – “I don’t know so much for a buffer, but there’s something that we can probably work out from a wall standpoint, we can look at something like that, especially for the west side of the tract. On the north side tract where the SF-2 properties are, the lots are deeper from a buffer standpoint to the SF-2 tracts and DR tract”.

Commissioner Rabago – “What will the square footage will be of the improvement that will be listed at 80,000?”

Mr. Blaker – “It will probably start at 1100 square feet”.

FAVOR

No Speakers.

OPPOSITION

Jennifer Stapleton, resident – Spoke in opposition. Mrs. Stapleton spoke in regards to a valid petition that the neighborhood has submitted.

Commissioner Hammond – “You said you have a property on Ralph Albanedo, is that your residence?”

Mrs. Stapleton – “Right now it is, the property is zoned GR-MU-CO because the house was already in existence, it’s been in my family for over 40-years. None of the members in my family believe that this is an appropriate residential environment. Honestly, my brother and I can’t wait to get out”.

Commissioner Baker – “Wasn’t there a residence recently built on that site?”

Mrs. Stapleton – “Yes, a guest house”.

Jim Crippen, Owner of the sheet metal shop – Spoke in opposition. “I don’t know if any of you have ever heard a screw compressor a jet pump come on at 5:30 in the morning; but they are very loud. I can’t imagine anyone wanting to live or build a house 30 or 40 feet off a buffer; 30 or 40 feet is not a reasonable buffer when you’re dealing with the kind of equipment that we have in our shop. There will be noise and security factor. I don’t believe that this is a good place for homes”.

Commissioner Baker – “Does your noise level comply with the City’s noise ordinance?”

Mr. Crippen – “Yes”.

Commissioner Hammond – “What do you build at your fabrication?”

Mr. Crippen – “We built the lights in here (Council Chambers), we build for the semiconductor industry; we do specialty type metal work”.

Commissioner Hawthorne – “What type of truck traffic do you have at your business?”

Mr. Crippen – “We have 16 work trucks, everything from pick-ups to flat bed trucks; most of our delivery trucks are 18-wheelers”.

Commissioner Baker – “Wow, and this is Peaceful Hill”.

[Laughter]

Pat Nelker, resident – Spoke in opposition. Mrs. Nelker spoke in regards to traffic increase, safety of children and inability of the City to uphold their promises to the homeowners on Peaceful Hill that the large fire trucks will not use Peaceful Hill to access the Beacon Ridge housing area, unless there was a fire or there was traffic accidents on Ralph Albanedo in such a fashion that they could not reach Congress or 1st Street. There are no sidewalks or curbs”.

Commissioner Baker – “Do you have children?”

Mrs. Nelker – “I have a daughter who was 10-years old when we moved in”.

Commissioner Baker – “So the steel fabrication was not a danger to her?”

Mrs. Nelker – “I’m at the far end of Peaceful Hill and the commercial businesses are closer to Ralph Albanedo end of that section”.

Commissioner Hammond – “If this doesn’t become a subdivision, it’s going to become something else, it could be another auto recycling center or more steel fabricators or other types of uses, is that a better option for you?”

Mrs. Nelker – “Do I want a salvage yard across the street that I have to look at when I sit on my porch? NO. But neither do I want to see 150 houses with 300 cars and 300 children trying to run up and down a road; someone will get hurt. It’s a safety issue in my mind”.

Linda Cherney, resident – Spoke in opposition. Mrs. Cherney spoke in regards to the noise in the neighborhood. “Most of us that are there have been there for a long time, it’s not the same as adding more people in the middle of what already exist. The streets are very narrow and unsafe”.

Jim Pallas, property owner – Spoke in opposition. He stated that property owners were not notified about the project until just 3 days prior to the last scheduled hearing.

Commissioner Baker – “What is the current use on the property you own?”

Mr. Pallas – “I have the junk yard; the auto salvage”.

Commissioner Baker – “The LI-CO across from the vehicle storage is an impound facility, is that the City’s?”

Mr. Pallas – “Yes”.

REBUTAL

Mr. Blaker – “I don’t disagree with Peaceful Hill on the substandards of the road, I too would not want to accidents on the road. The fact is that you had recent properties come through that was recently rezoned and had no conditions on upgrading those roads even though they are doing commercial traffic through the area. We agree to upgrade to the standard that is needed, we will also agree to prohibit access, if that would help and to take access off of Ralph Albanedo; to that end Ralph Albanedo is a collector, it is designed to carry the traffic that we would be having. We did get a permit from the City, we were red tagged, we were red tagged because of tracking mud on the streets, we fixed the problem. We request for your approval for the SF-4A zoning”.

Commissioner Martinez and Hammond moved to close the public hearing.

Commissioner Baker – “I can’t think of anything more difficult to address, so I’m going to play the devil’s advocate on both sides of this issue. I’m not going to say that I’ve lived out there longer than Mr. Crippen, but I’ve probably have, not in this immediate area but I can remember when Beverly’s was something else as far as the name. My grandfather ran a grocery store; so you’re going to have to go far pretty far back to know more about the area than I do. I understand every word you’ve said, I have been down Peaceful Lane as a staff member with the City doing site visits and zoning recommendations, I think I did the W/LO zoning case and the LI zoning case. If I thought it was legitimate I would probably abstain. It is a mess and Mr. Crippen, Mr. Pallas, in a way I can understand your concerns, I’m just wondering if you had a really big steel, industrial, fabricating plant come, widen Peaceful Hill from that turn all the way down to Ralph Albandedo, you’d have 18-wheels, you’d have a lot of things going in and out of there, it’s zoned for it. We wouldn’t even see it, it would be an administrative site plan. Now I’ll do the other side, because I can do both sides to this. Park Ridge, I remember it well because of the Wal-Mart case...

[Technical audio problems occurred].

Commissioner Donisi – “I’ll like to move that we accept the staff’s recommendation to deny the zoning change”.

Commissioner Rabago – “Second”.

Commissioner Baker – “I’m going to oppose the motion; I think anything is better than the zoning that is currently there”.

Motion carried. (5-3)

**COMMISSION ACTION:
MOTION:**

**DONISI, RABAGO
APPROVED STAFF'S
RECOMMENDATION TO DENY THE
REQUEST FOR SF-4A DISTRICT
ZONING.**

AYES:

**HAMMOND, GOHIL, RABAGO,
MARTINEZ, DONISI**

NAY:

BAKER, HAWTHORNE, PINNELLI

ABSENT:

JACKSON

MOTION CARRIED WITH VOTE: 5-3.